

ORIGINAL

FILED

1 WILLIAM JOHN DAUGHERTY

2 C D C R # F-79985

2008 JUL 21 AM 8:28

3 CHICKAWALLA VALLEY STATE PRISON

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

4 P.O. BOX 2349 / DIV-110 UP

BY RMM DEPUTY

5 BLYTHE, CALIFORNIA 92226

NUNC PRO TUNC

6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA

JUL -9 2008

10 WILLIAM JOHN DAUGHERTY) CIVIL CASE NO. 08CV0408 WQH (BLM)
 11 , PLAINTIFF) NOTICE AND MOTION REQUESTING
 12 V.) INFORMATION FROM THE CLERK PER
 13 WILSON, TAGABAN, GRIFFIN) CASE MANAGEMENT CONFERENCE AND
 14 LEMUS, CITY OF SAN DIEGO) ORDER REGULATING DISCOVERY AND
 15 AND SAN DIEGO POLICE DEPT.) OTHER PRETRIAL PROCEEDINGS: 4/17/08
 16 DEFENDANTS)

17 DATE: 2 July 2008

18
 19 I, WILLIAM JOHN DAUGHERTY, PETITIONER AND PLAINTIFF, IN
 20 ABOVE TITLED CASE, PROCEEDING PRO SE AND IN FORMA
 21 PAUPERIS, DO HEREBY MOVE AND REQUEST THE COURT TO
 22 DIRECT THE CLERK TO RESPOND TO QUESTIONS REGARDING
 23 THIS CASE AS MENTIONED IN THE ABOVE ORDER ISSUED
 24 APRIL 17 2008 BY JUDGE MAGISTRATE BARBARA L. MAJOR
 25 PAGE 4, LINE 7 AND 8.

26 INASMUCH AS PETITIONER IS PROCEEDING WITHOUT COUNSEL
 27 (MAGISTRATE HAVING TWICE DENIED TWO APPLICATIONS FOR
 28 APPOINTMENT OF COUNSEL...) SEVERAL DIFFICULTIES

WILLIAM DAUGHERTY
CDCR #F79985
PO. BOX 2349 / D10-1104
BLYTHE, CA 92226

Document 39

Filed 07/21/2008

Page 2 of 10

DATE: 2 July 2008

1 RE: '08CV0408 WQH(BLM)

PAGE 2

2 MOTION REQUESTING INFORMATION (CONT.)

3
4 HAVE ARISING THAT DO NOT REQUIRE LEGAL ADVICE
5 FROM THE CLERK, BUT DO REQUIRE DEFINING PROCEDURES
6 NOT COVERED BY FEDERAL RULES OF CIVIL PROCEDURE OR
7 LOCAL RULES OF CIVIL PROCEDURE.

8 IT IS REQUESTED THAT THE CLERK SUGGEST/RECOMMEND
9 ACTIONS THAT WOULD BE ACCEPTABLE TO THE COURT IN
10 THE FOLLOWING PUZZLING HAPPENSTANCES:

11
12 I. MANDATORY SETTLEMENT CONFERENCE (19 NOV. 2008)

13 ① PRISON LITIGATION COORDINATOR REQUESTS TELEPHONE
14 NUMBER WHICH WOULD CONNECT TO COURTROOM FOR
15 TELEPHONIC CONFERENCING. SEE, EXHIBIT A, ATTACHED
16 # WHAT IS THE NUMBER?

17 II. DISCOVERY AND WITNESS LIST

18 ② I HAVE AN ESSENTIAL EYEWITNESS THAT IS PRESENTLY
19 INCARCERATED IN CALIFORNIA DEPT. OF CORRECTIONS AND REHABILITATION
20 SYSTEM. I HAVE ATTEMPTED TO LOCATE HIS EXACT LOCATION
21 TO SERVE SUBPOENA (DUCES TECUM) UNSUCCESSFULLY.
22 SEE EXHIBIT B(1), B(2) AND B(3).

23 # MAY I ADDRESS THE SUBPOENA TO THE DEPARTMENT
24 DIRECTOR INSTEAD OF A SPECIFIC WARDEN? I HAVE ONLY
25 LIMITED INFORMATION ON WITNESS SINCE I DO NOT HAVE
26 DISCOVERY FROM DEFENDANTS NOR COUNSEL/INVESTIGATOR.

WILLIAM DAUGHERTY
F7998S
P.O. BOX 2349/D10-110UP
BLYTHE CA 92226

DATE 2 July 2008

RE: 08CV0408 WQH(BLM) PAGE 3

MOTION REQUESTING INFORMATION (cont.)

4 THE SUMMONS.

5 ① I HAVE SUCCESSFULLY SERVED SUMMONS ON ALL
6 DEFENDANTS EXCEPT DENNIS WILSON, FORMERLY OF
7 S.D. POLICE DEPT., ALL OTHER POLICE DEFENDANTS ARE
8 REPRESENTED BY CITY ATTORNEYS OFFICE.

9 I HAVE ATTEMPTED SERVICE AT THE SAN DIEGO POLICE DEPT.

10 ② COUNTY SHERIFF'S DEPARTMENT (WILSON IS NOW A
11 DEPUTY SHERIFF, TWICE.

12 # HOW CAN I SERVE WILSON LEGALLY IF ALL PLACES
13 REFUSE TO ACCEPT SERVICE?

14 THE FORMS.

15 ① I HAVE TO HAND PRODUCE ALL DOCUMENTS
16 IN AS MUCH AS YOUR OFFICE DOES NOT HAVE PREPRINTED
17 STANDARD FORMS. THE PRISON LIBRARY HAS NO FORMS
18 ALSO AND IS FREQUENTLY UNAVAILABLE. SEE EXHIBITS
19 C(1), C(2), C(3) AND C(4) ATTACHED. HOW CAN I DILIGENTLY
20 PURSUE DISCOVERY, ASSEMBLE WITNESS LIST AND GATHER
21 EVIDENCE (I.E. CRIMINAL TRIAL TRANSCRIPTS) WITHOUT
22 SUBPOENAS, INTERROGATORIES AND ADMISSIONS, ETC.?

23 Conclusion.

24 PLEASE ADDRESS EACH POINT AND PROVIDE SOLUTIONS
25 ACCEPTABLE TO THE COURT.

William Daughtry
F-79985
P.O. Box 2349 / D10-110wp
Blythe, CA 92226

DATE: 2 July 2008

RE: 08CV0408 WQH (BLM) PAGE 4

MOTION REQUESTING INFORMATION (cont.)

· DECLARATION

I, WILLIAM DAUGHTERY, THE PLAINTIFF AND PETITIONER
PROCEEDING PRO SE AND Forum Pauperis, IN THE ABOVE
ENTITLED ACTION, DO HEREBY SWEAR AND AFFIRM
THAT THE FOREGOING IS TRUE TO THE BEST OF
MY KNOWLEDGE AND THAT A COPY OF THESE DOCUMENTS
HAVE BEEN SERVED BY MAIL ON THE DEFENDANT'S
ATTORNEYS OF RECORD:

MICHAEL J. AGUIRRE, CITY ATTORNEY

C/O WENDYE. DAVISSON, DEPUTY CITY ATTORNEY

Office of the City Attorney

1200 THIRD AVENUE, SUITE 1100

SAN DIEGO, CALIFORNIA 92101-4100

SIGNED,

William Daughtry

2 July 2008

State of California

Department of Corrections

*EXHIBIT A
ORIGINAL***Memorandum**

Date : July 2, 2008

To : William Daughtery, F79985
D10-110U *WQH*Subject: **REQUEST FOR TELEPHONIC COURT APPEARANCE (08CV0408 WQH (BLM))**

This is to confirm receipt of the Case Management Conference Order Regulating Discovery and Other Proceedings, dated April 17, 2008, signed by Magistrate Judge Barbara L. Major. Additionally, you submitted a copy of your Motion to the Court for a Civil Subpoena (Duces Tecum) to produce you for telephonic appearance.

Your Motion was not necessary as the Court's Order clearly states you may appear telephonically for the Mandatory Settlement Conference on November 19, 2008, at 0930 hours. Noted is the fact, defense counsel shall coordinate your appearance by telephone. As such, it is necessary that you advise us of the telephone number to connect you with Judge Major's court room. You should provide the number to the Litigation Coordinator as soon as possible. On the day of the hearing you will report to your assigned correctional counselor, J. E. Mendoza, who will then place the call.

If you have any questions, you may contact your counselor.

D. E. GONZALES, CCII
Retired Annuitant
Litigation Coordinator
Chuckawalla Valley State Prison

Attachment

cc: J. Mendoza, CCII
D. Figueroa, CCII

DEPARTMENT OF CORRECTIONS AND REHABILITATION**Chuckawalla Valley State Prison****P. O. Box 2289****Blythe, CA 92226***EXHIBIT B(1)
ORIGINAL*

June 30, 2008

W. Daugherty, F79985
Chuckawalla Valley State Prison, D10-110U
Post Office Box 2349
Blythe, California 92226

Regarding: Request for Witness List

Dear Mr. Daugherty:

This is in response to your request for interview dated June 25, 2008, requesting the Litigation Coordinator to assist you in preparation of a witness list for a pending court hearing.

The institutional Litigation Coordinator does not have access to the data base which tracks inmates incarcerated in the California Department of Corrections and Rehabilitation.

Additionally, assistance to prepare documentation for a court proceeding is more appropriately addressed to your legal representative.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Asuncion".

D. ASUNCION
Litigation Coordinator (A)
Chuckawalla Valley State Prison

(08-0386)
EXHIBIT B(r) ORAL

STATE OF CALIFORNIA
G.A.22 (9/92) INMATE REQUEST FOR INTERVIEW DEPARTMENT OF CORRECTIONS

| | | | |
|--|----------------------------|----------------------------------|---------------------------------------|
| DATE 6-17-08 | TO CISP CENTRAL 2/BARAN | FROM (LAST NAME) D AUGHTER, L | CDC NUMBER F 79985 |
| HOUSING D 10-110 up | BED NUMBER 110 up | WORK ASSIGNMENT Voc. Plumbing | JOB NUMBER FROM 004 TO |
| OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) None | | | ASSIGNMENT HOURS FROM 0630 TO 1330 |

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

You HAVE COPY OF OFFICE SETTING SCHEDULE etc. I HAVE DISCLOSED (7-18-08) PRESENT

WITNESS LIST NO Court. I NEED CDCR # & Location of Ex-Offender: STEVEN MONTGOMERY
COMMITTED TO CDCR @ MAY / JUNE ? 2006 OR 2007 FROM SD. COUNTY. I NEED TO SUBPOENA
FOR COURT THAL: further info: His BLK NAME, 350 EYNOLD, OLD COUNTRY (VILLAGE IN NEW YORK)

| | | |
|------------------------------|--------------------|---------------|
| DO NOT WRITE BELOW THIS LINE | INTERVIEW DATE | DATE |
| <i>M-6</i> | <i>SKL Library</i> | <i>6-2-08</i> |

DISPOSITION

Unless they are at CVSP, I do not have access to

the computers that track CDCR inmates nor do I have
the authority to check. You can check with the library or
Glossman's office, they can give you a more
detailed answer.

EXHIBIT

C (1)

ORIGINAL/AC

UNITED STATES DISTRICT COURT

Southern District of California
Office of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
(619) 557-6348

Visit our website at www.casd.uscourts.gov

W. Samuel Hamrick, Jr.
Clerk of Court

John Morrill
Chief Deputy of Operations

Alan Counts
Chief Deputy of Administration

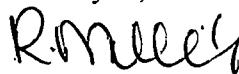
Michael Nagy
Director of Information Technology

June 10, 2008

Dear Mr. Daughtery,

Unfortunately we do not have the forms that you requested. Please submit your requests in pleading format. I am attaching pleading paper for your use.

Thank you,



R. Mullin

EXHIBIT C(2) ORIGINAL

WENDY DAUGHERTY

F79985
P.O. Box 2349 / DIO-110 UP

4 JUNE 2008

BLYTHE, CA 92226

RE: 08CV0408-WQH (BLM)

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 OFFICE OF THE CLERK
 680 FRONT STREET, SUITE 4290
 SAN DIEGO, CALIFORNIA 92101-8900

CLERK,

I AM PROCEEDING PRO SE AND IN FORMA PAUPERIS
 WITH A COMPLAINT BROUGHT PURSUANT TO U.S.C.
 § 1983. I AM A STATE PRISONER AT CHUCKAWALLA
 VALLEY STATE PRISON.

I HAVE, AS A NECESSITY, TO REQUEST FEDERAL
 CIVIL FORMS UNAVAILABLE DUE TO LACK OF
 ACCESS TO LAW LIBRARY HERE (SEE ENCLOSED INSTITUTIONAL
 NOTICE DATED MAY 16, 2008). PLEASE FORWARD THE
 FOLLOWING FORMS:

- ① SUBPOENA DEUCES TECUM
- ② INTERROGATORIES
- ③ ADMISSIONS
- ④ REQUEST TO PRODUCE
- ⑤ AS A STATE PRISONER IN CUSTODY OF CALIFORNIA DEPARTMENT
 OF CORRECTIONS MUST BE CALLED TO TESTIFY AT TRIAL
 (MR. STEVEN ANDREW MONTGOMERY), SEND FORMS TO
 EFFECT DIRECTION TO PRODUCE FROM CDCR TO TRIAL.
 FOR PAYMENT FOR FORMS REFERENCED FORMA PAUPERIS
 GRANT (DOC #2) 3/10/2008, THANK YOU.

CERTIFICATE OF SERVICE - I HEREBY SWEAR AFFIRM
 THAT A COPY OF PRECEDING IS SERVED BY MAIL ON
 THE DEFENDANT'S ATTORNEY OF RECORD:

MICHAEL J. AGUILAR, CITY ATTORNEY

c/o WENDY DAUSSON, DEPUTY CITY ATTORNEY, (CA NO. 199186)

1200 THIRD AVENUE, STE. 1100

SAN DIEGO, CA 92101-4100

Wendy Daugherity
President, William Daugherity

State of California

Department of Corrections and Rehabilitation

Memorandum

EXHIBIT
C(4)
ORIGINAL

Date: May 16, 2008

To: All Concerned

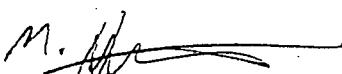
Subject: LIBRARY OPERATIONS BEGINNING MAY 16, 2008

Until further notice all libraries may be on restricted open days and hours depending on staff available, inmate clerks available and trained, and of course, the move from B to C Facility.

The primary library function until all issues are resolved in all libraries will be the law libraries. Seating is limited; Preferred Legal Users (PLU) will always be seated, others depending on the posted library capacity.

Recreation reading library will be closed on a yard by yard, day by day basis until there are sufficient inmate staff and operating days to handle the demand. If recreation library is able to open and then must be shut down the next operating day for reason, please deposit all due books in the outside drop box.

If you have questions, contact me at extension 5628.


M. HARTMAN
Senior Librarian

cc: C. Ynson, SCEP
Facility Captain's
LTA's